

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MATTHEW EARL JASON PEOPLES,)	
)	
Plaintiff,)	
vs.)	NO. CIV-10-0371-HE
)	
LOGAN COUNTY JAIL,)	
)	
Defendant.)	

ORDER

Plaintiff Matthew Earl Jason Peoples, a state prisoner appearing *pro se*, filed this case pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights. He also filed a motion requesting leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Doyle Argo, who granted the *in forma pauperis* motion. Judge Argo's order granting the motion required plaintiff, by May 7, 2010, to either pay an initial filing fee of \$4.94 or show cause in writing for failure to pay. Because plaintiff failed to do either, Judge Argo issued a Report and Recommendation recommending dismissal of plaintiff's action without prejudice. Objections to Judge Argo's Report and Recommendation were due by June 8, 2010.


On June 2, 2010, plaintiff filed an objection, via a letter, with the Court Clerk stating, "I would like to file an objection in accordance with 28 U.S.C. 636 and Fed.R.Civ P. 72." "[A] party's objections to the magistrate judge's report and recommendation must be both timely and *specific* to preserve an issue" for review. United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996) (emphasis added). The objection filed by the

plaintiff was not sufficiently specific to preserve any issue for appellate review. *See id.*

Plaintiff also stated he “would like to file an extension of time.” [Doc. #8].¹ A review of the court file reveals that as of this date, plaintiff has not paid his initial partial filing fee. Because more than four (4) months have passed since receipt of the letter, the court **DENIES** plaintiff’s request for any further extension of time to pay. The court adopts Magistrate Judge Argo’s Report and Recommendation and **DISMISSES** this action without prejudice.

IT IS SO ORDERED.

Dated this 22nd day of October, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE

¹*Plaintiff’s letter further provides that “[t]he reason why I can’t pay the initial partial filing fee is because I have no money and my inmate trust account. But my mom said she would send \$5.00 to the United States District Court.” The letter was dated May 21, 2010.*